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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/688,602	10/17/2003	Yasuo Ishiguro	82478-1500	2432
21611	7590	12/01/2006	EXAMINER	
SNELL & WILMER LLP 600 ANTON BOULEVARD SUITE 1400 COSTA MESA, CA 92626			DARNO, PATRICK A	
			ART UNIT	PAPER NUMBER
			2163	

DATE MAILED: 12/01/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/688,602	ISHIGURO ET AL.	
	Examiner	Art Unit	
	Patrick A. Darno	2163	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 06 September 2006.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-3 and 6-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-3 and 6-20 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 17 October 2003 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date: _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date: _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1, 10, and 11 have been amended. Claims 4-5 have been cancelled. Claims 12-20 are new. Therefore claims 1-3 and 6-20 are pending in this office action.

Restriction

2. Newly submitted claims 14 and 15 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons:

The invention originally claimed by the Applicant did not recite ‘a selective searching unit operable to automatically add the search keys extracted in the selective extraction unit to the query so as to create a new search query’. Of more significance, it is clear from page 34, lines 23-25 of the Applicant’s specification that this new limitation is directed to another, entirely different, embodiment of the invention. The Applicant clearly states that the “embodiment of the present invention describes...urging the user to select” keywords in order to perform another search. And further, “However, the next searching may be performed...automatically.” One can see that there is a clear distinction between the two embodiments of the Applicant’s invention.

By analyzing the Applicant’s specification (page 34, lines 23-25), remarks (page 14, lines 18-21), and originally filed claims, it is clear that the originally claimed invention was directed to the user selecting keywords from the extracted list in order to generate a further search. The newly added claims, which specify that the further search be generated automatically, are directed to a different embodiment of the invention.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 14-15 are withdrawn from consideration as being directed to

a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

An amendment canceling all claims drawn to the elected invention and presenting only claims drawn to the nonelected invention should not be entered. Such an amendment will be held nonresponsive.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

3. Claim 12 is rejected under 35 U.S.C. 101 because the claim is directed to non-statutory subject matter.

With respect to claim 12, the claim is rejected under 35 U.S.C. 101 because the claims do not specify that the computer program product be embodied on a computer readable medium. A computer program product that is not embodied on an acceptable computer readable medium is nothing more than an abstract idea. When the computer program product is recorded on an acceptable computer readable medium it becomes structurally and functionally interrelated to the medium and will be statutory in most cases since use of technology permits the function of the computer program product to be realized. Appropriate correction is required.

Claim Rejections - 35 USC § 102

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 11-12, 16, and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent Number 6,249,784 issued to Thomas J. Macke et al. (hereinafter "Macke").

Claim 11:

Macke discloses a computer readable storage medium having a computer program stored therein to be executed on a computer for searching a database of data files for a desired data file, based on a search condition set by a user, each data file including a plurality of search keys for providing clues to know data file contents, the program comprising:

a receiving step of receiving a search query from the user (*Macke: column 6, lines 57-63; Note here that the searching step accepts three inputs. The searching step must have a receiving step since it accepts the search conditions input by a user.*);

a searching step of searching the database for at least one data file that satisfies the search query received in the receiving step (*Macke: column 6, lines 57-63; This reference clearly discloses a searching step that must have some form of receiving step because the searching step accepts an input. The accepted "search keys" are used to search a database.*); and

an extracting step of extracting a plurality of frequently-used search keys for each of the fields, from the data file that is a search result in the searching step (*Macke: abstract, lines 25-28 and column 4, lines 32-38 and column 8, lines 21-28*);

wherein the searching unit includes:

displaying a list of the frequently-used search keys extracted for each of the plurality of fields by the extracting unit (*Macke: column 8, lines 25-28; The user "can...select particular keywords", so the keywords must be displayed.*);

receiving, from the user, selection of at least one search key from the list displayed by the search-key-list displaying unit (*Macke: column 8, lines 25-28; Note specifically "The user can...select particular keywords".*); and

adding the selected search key selected in the key-selection receiving unit to the search query so as to create a new search query (*Macke: column 6, lines 57-63 and column 8, lines 25-28; The search module is the search unit. And note specifically in the second reference that the extracted words are used in performing a subsequent database search. The extracted words must be added to a search query in order to perform a subsequent search database search.*), and

searching for a data file that satisfies the new search query (*Macke: column 6, lines 57-63 and column 8, lines 25-28*).

Claim 12:

Claim 12 is rejected under the same reasons set forth in the rejection of claim 11.

Claim 16:

Claim 16 is rejected under the same reasons set forth in the rejection of claim 11.

Claim 20:

Macke discloses all the elements of claim 16, as noted above, and Macke further discloses wherein the search key display unit displays the search keys in one or more categories (*Macke: column 4, lines 32-38; The reference clearly discloses the displaying of search keys or keywords. Surely the keywords, at the very least, belong to one category of 'displayed keywords'.*).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

- (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-3, 10, and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Macke and further in view of U.S. Patent Application Publication Number 2003/0074671 issued to Tomokazu Murakami et al. (hereinafter "Murakami").

Claim 1:

Macke discloses a data searching apparatus that searches a database of data files for a desired data file, based on a search condition set by a user, each data file including a plurality of search keys for providing clues to know data file contents, the data searching apparatus comprising:

a receiving unit operable to receive a search condition from the user (*Macke: column 6, lines 57-63; Note here that the searching module (searching unit) accepts three inputs. The searching unit must have a receiving unit since it accepts the search conditions input by a user.*);

a searching unit operable to search the database for at least one data file that satisfies the search condition received by the receiving unit (*Macke: column 6, lines 57-63; This reference clearly discloses a searching unit that must have some form of receiving unit because the searching unit accepts an input. The accepted "search keys" are used to search a database.*); and

an extracting unit operable to extract a plurality of frequently-used search keys for each of the fields, from the data file that is a search result by the searching unit (*Macke: abstract, lines 25-28 and column 4, lines 32-38 and column 8, lines 21-28*),

the searching unit includes:

a search-key-list displaying unit operable to display a list of the frequently-used search keys extracted for each of the plurality of fields by the extracting unit (*Macke: column 8, lines 25-28; The user "can...select particular keywords", so the keywords must be displayed.*);

a key-selection receiving unit operable to receive, from the user, selection of at least one search key from the list displayed by the search-key-list displaying unit (*Macke: column 8, lines 25-28; Note specifically "The user can...select particular keywords".*); and

a selective searching unit operable to add the selected search key selected in the key-selection receiving unit to the search query so as to create a new search query, and search for a data file that satisfies the new search query (*Macke: column 6, lines 57-63 and column 8, lines 25-28; The search module is the search unit. And note specifically in the second reference that the extracted words are used in performing a subsequent database search. The extracted words must be added to a search query in order to perform a subsequent search database search.*).

The Examiner is confident that the Macke reference, at the very least, implicitly teaches all the elements of claim 1. But, the Examiner notes that Macke does not explicitly disclose wherein the search keys are categorized in a plurality of fields.

However, Murakami discloses wherein the search keys are categorized in a plurality of fields (*Murakami: paragraph [0058], lines 22-27*).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Macke with the teachings of Murakami noted above. The skilled artisan would have been motivated to improve the teachings of Macke per the above such that the arranging of keywords into categories makes the keyword information easy for the user to understand (*Murakami: paragraph [0058], lines 22-27*).

Claim 2:

The combination of Macke and Murakami discloses all the elements of claim 1, as noted above, and Macke further discloses wherein the extracting unit includes:

a data-file-list displaying unit operable to display a list of data files that are search results by the searching unit (*Macke: column 8, lines 21-28; It can be seen by the reference that the Extract Module also contains a "data-file-list displaying unit" which is used to "display actual data to a user so that results can be viewed".*);

a file-selection receiving unit operable to receive, from the user, selection of a data file from the list displayed by the data-file-list displaying unit (*Macke: column 8, lines 25-28*); and

a selective extracting unit operable to extract search keys, from the data file selected in the file-selection receiving unit (*Macke: column 8, lines 20-21*).

Claim 3:

The combination of Macke and Murakami discloses all the elements of claim 2, as noted above, and Macke further discloses wherein:

the file-selection receiving unit receives, from the user, selection of a plurality of data files one after another from the list displayed by the data-file list displaying unit (*Macke: column 8, lines 25-28*), and then receives, from the user, one of (a) a key extraction instruction to extract search keys from each of the selected data files (*Macke: column 8, lines 20-28; The user must, in some way trigger the extraction module.*) and (b) an output instruction to output each of the selected data files (*Macke: column 18, lines 30-34; Shows the user selecting parameter that help determine output. The actual command to search would be the user command to generate output. The user must command the searching module of the invention to generate output.*),

the selective extracting unit extracts search keys from each of the selected data files when the file-selection receiving unit receives the key extraction instruction (*Macke: column 8, lines 20-28*),

the searching unit, every time when the file-selection receiving unit receives selection of one or a predetermined number of data files, reads the selected data files and stores therein the read data files (*Macke: column 6, lines 57-63*), and

the data searching apparatus further comprises:

a result outputting unit operable to output the data files stored in the searching unit when the file-selection receiving unit receives the output instruction (*Macke: column 4, lines 9-12*).

Claim 10:

Macke discloses a data searching method for searching a database of data files for a desired data file, based on a search condition set by a user, each data file including a plurality of search keys for providing clues to know data file contents, the comprising:

a receiving step of receiving a search query from the user (*Macke: column 6, lines 57-63; Note here that the searching step accepts three inputs: The searching step must have a receiving step since it accepts the search conditions input by a user.*);

a searching step of searching the database for at least one data file that satisfies the search query received in the receiving step (*Macke: column 6, lines 57-63; This reference clearly discloses a searching step that must have some form of receiving step because the searching step accepts an input. The accepted "search keys" are used to search a database.*); and

an extracting step of extracting a plurality of frequently-used search keys for each of the fields, from the data file that is a search result in the searching step (*Macke: abstract, lines 25-28 and column 4, lines 32-38 and column 8, lines 21-28*),

wherein the searching step includes:

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displaying a list of the frequently-used search keys extracted for each of the plurality of fields by the extracting unit (*Macke: column 8, lines 25-28; The user "can...select particular keywords", so the keywords must be displayed.*);

receiving, from the user, selection of at least one search key from the list displayed by the search-key-list displaying unit (*Macke: column 8, lines 25-28; Note specifically "The user can...select particular keywords".*); and

adding the selected search key selected in the key-selection receiving unit to the search query so as to create a new search query (*Macke: column 6, lines 57-63 and column 8, lines 25-28; The search module is the search unit. And note specifically in the second reference that the extracted words are used in performing a subsequent database search. The extracted words must be added to a search query in order to perform a subsequent search database search.*), and

search for the data file that satisfies the new search query (*Macke: column 6, lines 57-63 and column 8, lines 25-28*).

The Examiner is confident that the Macke reference, at the very least, implicitly teaches all the elements of claim 10. But, the Examiner notes that Macke does not explicitly disclose wherein the search keys are categorized in a plurality of fields.

However, Murakami discloses wherein the search keys are categorized in a plurality of fields (*Murakami: paragraph [0058], lines 22-27*).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Macke with the teachings of Murakami noted above. The skilled artisan would have been motivated to improve the teachings of Macke per the above such

that the arranging of keywords into categories makes the keyword information easy for the user to understand (*Murakami: paragraph [0058], lines 22-27*).

Claim 13:

The combination of Macke and Murakami discloses all the elements of claim 1, as noted above, and Macke further discloses wherein

the search query is a logical formula including an AND search query and an OR search query (*Macke: column 18, lines 61-65; Note specifically that the queries include BOOLEAN operators. It is well known in the art that BOOLEAN operators include AND, OR, and NOT.*); and

the selective searching unit adds, as an element of the AND search query or the OR search query, the selected search key selected in the key-selection receiving unit for each of the fields to the search query so as to create the new search query (*Macke: column 18, lines 59-65*).

6. Claims 6-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Macke in view of Murakami and further in view of U.S. Patent Application Publication Number 2002/0143760 issued to Jin-Kwan Kim et al. (hereinafter “Kim”).

Claim 6:

The combination of Macke and Murakami discloses all the elements of claim 1, as noted above, and Macke further discloses wherein the searching unit further searches the database for at least one data file that includes at least one of the frequently-used keywords extracted by the extracting unit (*Macke: abstract, lines 25-28 and column 3, lines 9-13 and column 4, lines 34-38 and column 8, lines 25-28; Note specifically in all the references cited here that particular words or search keys are extracted for the purpose of performing a subsequent search.*).

The combination of Macke and Murakami does not explicitly disclose wherein the apparatus searches for a patent data file. However, Kim discloses wherein the search apparatus searches for a patent data file (*Kim: paragraphs [0016], [0017], and [0034], lines 3-6*).

Kim further discloses wherein:

one type of the search keys is a keyword (*Kim: paragraph [0016], lines 3-4 and paragraph [0034], lines 3-6*);

the searching unit searches the database for at least one patent data file that includes the keyword (*Kim: paragraph [0016], lines 3-4 and paragraph [0034], lines 3-6*);

the extracting unit extracts a plurality of frequently-used keywords, from the patent data file that is a search result by the searching unit (*Kim: paragraph [0035]*), and

the searching unit further searches the database for at least one patent data file that includes at least one of the frequently-used keywords extracted by the extracting unit (*Kim: paragraph [0036], lines 6-10*).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the previously mentioned combination with the teachings of Kim noted above for the purpose of creating a searching apparatus for searching a patent data file containing both a searching unit and an extracting unit (*Kim: paragraphs [0016], [0017], [0033], lines 1-7 and [0034], lines 3-6*). The skilled artisan would have been motivated to improve the previously mentioned combination per the above such that the extracted information is used to perform a subsequent search (*Macke: column 8, lines 25-28*).

Claim 7:

The combination of Macke and Murakami discloses all the elements of claim 1, as noted above, and Macke further discloses wherein the searching unit further searches the database for at least one data file that includes at least one keyword extracted by the extracting unit (*Macke: abstract, lines 25-28 and column 3, lines 9-13 and column 4, lines 34-38 and column 8, lines 25-28; Note specifically in all the references cited here that particular words or search keys are extracted for the purpose of performing a subsequent search.*).

The combination of Macke and Murakami does not explicitly disclose wherein the searching apparatus searches for a patent data file.

However, Kim discloses wherein the search apparatus searches for a patent data file (*Kim: paragraphs [0016] and [0017]*).

Kim further discloses wherein:

one type of the search keys is an IPC symbol, where “IPC” represents the International Patent Classification (*Kim: paragraph [0051], lines 6-12; Note specifically that the IPC is included in the search strategy.*),

the searching unit searches the database for at least one patent data file that includes an IPC symbol (*Kim: paragraph [0051], lines 6-12; Kim’s invention searches database based upon determined search strategies. The current reference shows that the search strategies for retrieving patents include searching for an IPC.*),

the extracting unit extracts a plurality of IPC symbols, from the patent data file that is a search result by the searching unit (*Kim: paragraph [0035]; This reference makes clear that Kim extracts IP*

(intellectual property) information. Paragraph [0051] clearly discloses that for patents, IPC is part of the IP information.).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the previously mentioned combination with the teachings of Kim noted above for the purpose of creating a searching apparatus for searching a patent data file containing both a searching unit and an extracting unit (*Kim: paragraphs [0016], [0017], [0033], lines 1-7 and [0034], lines 3-6*). The skilled artisan would have been motivated to improve the previously mentioned combination per the above such that the extracted information is used to perform a subsequent search (*Macke: column 8, lines 25-28*).

7. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Macke in view of Murakami and further in view of U.S. Patent Application Publication Number 2002/0073095 issued to Akihiro Ohga (hereinafter Ohga).

Claim 8:

The combination of Macke and Murakami discloses all the elements of claim 1, as noted above, and Macke further discloses wherein the searching unit further searches the database for at least one data file that includes at least one of the terms extracted by the extracting unit (*Macke: abstract, lines 25-28 and column 3, lines 9-13 and column 4, lines 34-38 and column 8, lines 25-28; Note specifically in all the references cited here that particular words or search keys are extracted for the purpose of performing a subsequent search.*).

Macke does not explicitly disclose wherein the searching apparatus searches for a patent data file.

However, Ohga discloses wherein the searching apparatus searches for a patent data file (*Ohga: paragraph [0007]*).

wherein one type of the search keys is an F-term, where “F-term” represents the File Forming Term (*Ohga: paragraph [0003], lines 16-17*),
the searching unit searches the database for at least one patent data file that includes an F-term (*Ohga: paragraph [0024]*),

the extracting unit extracts a plurality of F-terms, from the patent data file that is a search result by the searching unit (*Ohga: paragraph [0031], lines 9-14; Note reads F-terms from the F-term database. The F-term database stores patent data files. Reading the F-term from the database is extracting the F-term from the patent data file in the database.*).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the previously mentioned combination with the teachings of Ohga noted above for the purpose of searching a patent data file (*Ohga: paragraph [0007]*). The skilled artisan would have been motivated to improve the previously mentioned combination per the above such that a patent data file could be searched using both an F-term and an IPC (*Ohga: paragraph [0003], lines 16-17*).

8. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Macke in view of Murakami in view of Kim and further in view of U.S. Patent Application Publication Number 2002/0073095 issued to Akihiro Ohga (hereinafter Ohga).

Claim 9:

The rejections of claims 1, 6, 7, and 8 have been presented above in great detail. Claim 9 contains a combination of elements found in claims 1, 6, 7, and 8. Therefore, Claim 9 is rejected under the same reasons set forth in the rejections of claims 1, 6, 7, and 8.

9. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Macke in view of Murakami.

Claim 17:

Macke discloses all the elements of claim 16, as noted above, but Macke does not explicitly disclose wherein the search key display unit displays the hit ratio.

However, Murakami discloses wherein the search key display unit displays the hit ratio (*Murakami: paragraph [0055], lines 31-35 and Fig. 9, 908; The display and use of a hit ratio or some other form of document relevancy indicator is extremely well known in the art.*).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Macke with the teachings of Murakami noted above. The skilled artisan would have been motivated to improve the teachings of Macke per the above such that the results could be returned, ordered, and displayed according to the hit ratio (*Murakami: paragraph [0055], lines 31-35*).

10. Claims 18-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Macke in view Kim.

Claim 18:

Macke discloses all the elements of claim 16, as noted above, but Macke does not explicitly disclose wherein the files are patent files. However, Kim discloses wherein the files are patent files (*Kim: paragraphs [0016], [0017], and [0034], lines 3-6*).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Macke with the teachings of Kim noted above for the purpose of creating a searching apparatus for searching a patent data file containing both a searching unit and an extracting unit (*Kim: paragraphs [0016], [0017], [0033], lines 1-7 and [0034], lines 3-6*). The skilled artisan would have been motivated to improve the teachings of Macke per the above such that the extracted information is used to perform a subsequent search (*Macke: column 8, lines 25-28*).

Claim 19:

The combination of Macke and Kim discloses all the elements of claim 18, as noted above, and Kim further discloses wherein search keys include the international patent class (*Kim: paragraph [0051], lines 6-12; Note specifically that the IPC is included in the search strategy.*).

Response to Arguments

Examiner Notes:

The Examiner would like to bring to the Applicant's attention a typographical error that was present in the Examiner's previous non-final office action. The originally given rejection for claims 1-3 and 10-11 as based on the Macke reference are in fact given under 35 U.S.C. 102(b).

This fact is clear because the statute of 35 U.S.C. 102 cited by the Examiner was from 35 U.S.C. 102(b) and the Macke reference clearly has a date that qualifies under 35 U.S.C. 102(b). The same reference and even the sections of the references relied upon remain the same. Therefore, since the discrepancy occurred due to a simple typographical error, the Examiner maintains that the grounds of rejection were not changed, and accordingly the rejection is made final.

Applicant Argues:

The recited extracting unit and searching unit are not disclosed or suggested by Macke. A user of Macke's device must parse through the search results and select particular keywords to perform a subsequent search, (Macke, Column 8, Lines 27-28). In contrast, a user of the invention recited in claim 1 has the frequently used search keys for each of the plurality of fields conveniently displayed on the display unit.

Examiner Responds:

Examiner is not persuaded. First, this argument is moot in light of the new grounds of rejection. But the Examiner is confident that all elements of the Applicant's invention have been clearly mapped to the cited references.

Furthermore, the Examiner maintains that both the Macke reference and the original embodiment of the Applicant's claimed invention perform the function of selecting keywords to generate a subsequent search in exactly the same manner. Specifically, the Examiner directs the Applicant to compare column 4, lines 32-38 of the Macke reference with page 34, lines 18-22 of the Applicant's specification. The rejections given above are upheld.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Contact Information

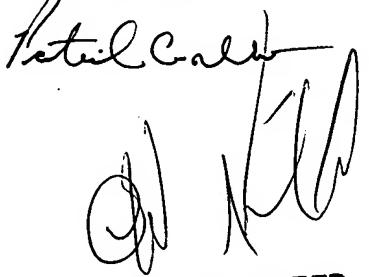
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Patrick A. Darno whose telephone number is (571) 272-0788. The examiner can normally be reached on Monday - Friday, 9:00 am - 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Don Wong can be reached on (571) 272-1834. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Patrick A. Darno
Examiner
Art Unit 2163

PAD



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